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14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA

16 MICHELE ONDEY, on behalf of herself and all
17 others similarly situated,

18 Plaintiff,

19 v.

20 CAESARS ENTERTAINMENT, INC. formerly
21 known as ELDERADO RESORTS INC.;
22 CIRCUS AND EL DORADO JOINT
23 VENTURE, LLC d/b/a SILVER LEGACY
24 RESORT CASINO; DOES 1 through 50,
25 inclusive,

26 Defendant.

Case No. 3:22-cv-00096-RCJ-CLB

**STIPULATION AND ORDER TO
STAY DISCOVERY PENDING THE
COURT'S RULING ON
DEFENDANTS' MOTION TO DISMISS
(ECF NO. 4)**

27 Plaintiff MICHELE ONDEY ("Plaintiff") and Defendants CAESARS ENTERTAINMENT,
28 INC., formerly known as El Dorado Resorts Inc., and Circus and El Dorado Joint Venture, LLC d/b/a
Silver Legacy Resort Casino ("Defendants"), by and through their counsel of record, stipulate to stay
discovery pending the Court's ruling on Defendants' Motion to Dismiss (ECF No. 4), which seeks
dismissal of all claims in Plaintiff's Complaint.

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1 In assessing a request to stay discovery, the Court decides whether it is necessary to speed the
2 parties along in discovery or whether it is appropriate to delay discovery and spare the parties the
3 associated expense. *Tradebay, LLC v. Ebay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011). To make this
4 assessment, the Court takes a “preliminary peek” at the merits of the purportedly dispositive motion,
5 though, importantly, this “preliminary peek” does not prejudge the outcome of the motion, it merely
6 evaluates whether an order staying discovery is warranted. *Id.* Defendants’ Motion to Dismiss is the
7 type warranting a stay of discovery as Defendants have sought to dismiss all of Plaintiff’s claims.
8 Moreover, no discovery is required to make a determination on the Motion to Dismiss and the Motion
9 to Dismiss raises threshold legal issues (*e.g.*, plausibility of unlawful tip pooling and overtime claims,
10 whether overtime claims are exempted by Section 207(i) of the FLSA, whether NRS 608.0197 confers
11 a private right of action, and standing to assert waiting time penalty claim). Accordingly, requiring
12 the parties to conduct discovery on claims that may be dismissed would cause an unnecessary expense
13 on the parties and potentially log the Court’s docket with unnecessary discovery disputes on these
14 claims.

15 Furthermore, this Court has also found that “good cause . . . may also be established by other
16 factors, not related to the merits of the dispositive motion” including when “the movant seeks a stay
17 of discovery to prevent ‘undue burden or expense’” *Schrader v. Wynn Las Vegas, LLC*, No. 2:19-CV-
18 02159-JCM-BNW, 2021 WL 4810324, at *4 (D. Nev. Oct. 14, 2021) (citing Fed. R. Civ. P. 26(c)(1)).
19 Here, a stay is also warranted because the lawsuit is a putative collective and class action, Plaintiff’s
20 Complaint sets forth several subclasses, discovery will involve the exchange and review of several
21 thousand pages of documents, and discovery will implicate several witnesses (including expert
22 witnesses). *See id.* at *5.

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1 Additionally, because Defendants moved to fully dismiss the case, Plaintiff has not been
2 apprised of which factual allegations Defendants intend to admit, and which Defendants intend to
3 deny. Nor has Plaintiff been apprised of the defenses Defendants intend to assert. Plaintiff believes
4 this would limit her ability to conduct full discovery while the Motion to Dismiss is pending. Plaintiff
5 disputes the arguments made in Defendants' Motion to Dismiss but agrees that the motion is of the
6 type warranting a stay of discovery.

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8 Dated: July 18, 2022

9 LITTLER MENDELSON, P.C.

THIERMAN BUCK, LLP

10
11 /s/ Emil S. Kim
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16 **IT IS SO ORDERED.**

17 Dated: July 19, 2022.

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20 UNITED STATES MAGISTRATE JUDGE

21 4874-9651-4601.4 / 083558-1255